

(ORDER LIST: 582 U.S.)

MONDAY, JUNE 12, 2017

CERTIORARI -- SUMMARY DISPOSITIONS

16-1003 MCKNIGHT, MATTHEW, ET AL. V. PETERSEN, STEVEN O.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *White v. Pauly*, 580 U. S. \_\_\_\_ (2017) (per curiam).

16-7234 MCINTOSH, DANIEL V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Honeycutt v. United States*, 581 U. S. \_\_\_\_ (2017).

16-7794 BROWN, CYNTHIA E. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of *Honeycutt v. United States*, 581 U. S. \_\_\_\_ (2017).

**CERTIORARI GRANTED**

16-712 OIL STATES ENERGY SERVICES V. GREENE'S ENERGY GROUP, ET AL.

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

**CERTIORARI DENIED**

16-1029 BALL, BARBARA, ET AL. V. MILWARD, MELISSA, ET AL.

16-1060 KUTLAK, LEVENT R. V. COLORADO

16-1062 JEFFERS, GREG V. METROPOLITAN LIFE INS CO., ET AL

16-1074 CARAFFA, GIOVANNA S. V. CARNIVAL CORP.

16-1092 LOCKWOOD, ANDREWS & NEWMAN V. MASON, JENNIFER, ET AL.

16-1201 SCHOCKNER, MANFRED V. CASH, WARDEN

16-1209 RIEMER, GEORGE A. V. OREGON, ET AL.

16-1217 TICHICH, SARAH K., ET AL. V. BLOOMINGTON, MN, ET AL.

16-1223 BLUE SPIKE, LLC V. GOOGLE INC.

16-1228 OWNER-OPERATOR IND. DRIVERS V. DEPT. OF TRANSP., ET AL.

16-1235 FRANKLIN, BOBBY V. LAUGHLIN, D. J., ET AL.

16-1247 BARTH, JOHN V. McNEELY, STARLET, ET AL.

16-1249 D. E. V. JOHN DOE 1, ET AL.

16-1266 DIVERSIFIED INGREDIENTS, INC. V. TESTA, JOSEPH W.

16-1270 POPE, MAYNER J. V. GUNS, ALICIA, ET AL.

16-1282 ADAMS, RICHARD V. NILES, AVERY, ET AL.

16-1317 HERNANDEZ, GILBERT, ET AL. V. AVERY, WILLIAM D.

16-1325 AKHTAR-ZAIDI, SYED J., ET AL. V. UNITED STATES

16-1333 NEASE, HOWARD E., ET UX. V. FORD MOTOR CO.

16-5895 ZEBBS, ARTHUR A. V. VIRGINIA

16-7763 PERRY, ANGELA V. UNITED STATES

16-7775 CUEVAS CABRERA, ERMINSO V. UNITED STATES

16-7776 DAVIS, FRANKLIN V. TEXAS

16-7855 MILLER, JONATHAN A. V. UNITED STATES  
16-7857 RAMIREZ-QUINTANILLA, HECTOR V. UNITED STATES  
16-7991 RODRIGUEZ-BERBAL, RICARDO V. UNITED STATES  
16-8212 GARRITY, DAVID A. V. UNITED STATES  
16-8244 RODRIGUEZ-LOPEZ, JAVIER V. UNITED STATES  
16-8259 CARTER, SHAN E. V. THOMAS, WARDEN  
16-8301 HAYWARD, MICHAEL J. V. KELLY, SUPT., OR  
16-8459 MALDONADO-JAIMES, JOSE L. V. UNITED STATES  
16-8519 WARDLOW, TAYLOR J. V. UNITED STATES  
16-8598 KULKARNI, AVINASH B. V. UPASANI, MEERA, ET AL.  
16-8602 VEGA, RAUL V. DAVIS, DIR., TX DCJ  
16-8615 RAMNATH, PERCASH V. WANG, LING D.  
16-8624 BELLAMY, TRENT A. V. MICHIGAN  
16-8626 CORREA-AYALA, VLADIMIR V. PENNSYLVANIA  
16-8631 BONILLA, NEFTALI V. CALIFORNIA  
16-8632 LANGLEY, LONNELLE A. V. UNKNOWN  
16-8642 ZEBBS, ARTHUR A. V. VIRGINIA  
16-8643 WOODSON, ANTONIO D. V. WHITEHEAD, BRAD, ET AL.  
16-8650 YANEY, MICHELLE S., ET AL. V. SUPERIOR COURT OF CA, ET AL.  
16-8655 SANCHO, RI'CHA RI V. ANDERSON SCHOOL DISTRICT FOUR  
16-8664 MITCHELL, ROY V. WI DEPT. OF HEALTH SERVICES  
16-8665 PINKSTON, RACHEL V. UNIV. OF S. FL BD. OF TRUSTEES  
16-8668 JONES, HARRY V. JONES, SEC., FL DOC  
16-8670 COULSTON, TROY V. CAMERON, SUPT. HOUTZDALE, ET AL.  
16-8673 ALEXANDER, KYLE V. LOUISIANA  
16-8674 PACK, MICHAEL V. USCA 4  
16-8754 EARL, DARYISE L. V. FOSTER, WARDEN  
16-8759 CONTRERAS, SALVADOR V. BUTLER, WARDEN

16-8763 RIVERA, JESUS V. UNITED STATES  
 16-8799 SCHESSLER, JOSEPH R. V. McDONALD, WARDEN  
 16-8844 HARRIS, DONZELL V. BUTLER, WARDEN  
 16-8861 BEAM, TROY A. V. UNITED STATES  
 16-8901 FIELDS, CHARLES E. V. HARRIS, CLERK, USSC  
 16-8928 SMITH, AUGUSTINO V. SESSIONS, ATT'Y GEN.  
 16-8951 FORTSON, BEN L. V. USDC CD CA, ET AL.  
 16-8956 EVANS, MICHAEL S. V. CUNNINGHAM, OFFICER, ET AL.  
 16-8968 ABDUL-HAQQ, JAMILAH T. V. KAISER FOUNDATION HOSPS., ET AL.  
 16-8994 TORRES, JOSE R. V. SEIBEL, WARDEN  
 16-9026 COLTER, ROMAN V. CHAPMAN CHEVROLET  
 16-9036 BLOODMAN, TERESA L. V. LIGON, STARK  
 16-9045 MACKEY, EVARISTUS B. V. UNITED STATES  
 16-9051 VANLAAR, JACK S. V. UNITED STATES  
 16-9054 WRIGHT, JIMMY V. UNITED STATES  
 16-9057 MONTIEL-CORTES, BRANDON G. V. UNITED STATES  
 16-9068 MORENO, RODOLFO V. UNITED STATES  
 16-9079 CURRY, SAMUEL V. UNITED STATES  
 16-9080 CLARK, HERBERT V. SPEER, ACTING SEC. OF ARMY  
 16-9083 LAWRENCE, DERRICK L. V. UNITED STATES  
 16-9088 SHEFFIELD, AHMON K. V. JONES, SEC. FL DOC, ET AL.  
 16-9090 TUCKER, SAADIQ V. UNITED STATES  
 16-9092 ) WOODARD, COREY J. V. UNITED STATES  
 )  
 16-9154 ) ROBINSON, SHAWN L. V. UNITED STATES  
 16-9095 WHITE, SAUNDRA L. V. UNITED STATES  
 16-9097 WHOOLERY, LEWIS V. UNITED STATES  
 16-9102 RODRIGUEZ, CARLOS V. UNITED STATES  
 16-9110 SILER, RICHARD A. V. UNITED STATES

16-9111 CARTER, DEANDRE D. V. UNITED STATES  
16-9114 EVANS, JAMAAL E. V. UNITED STATES  
16-9119 MENDEZ-BELLO, RAUL V. UNITED STATES  
16-9121 BEAMON, WILLIAM R. V. UNITED STATES  
16-9122 PRYOR, JERMAINE B. V. UNITED STATES  
16-9123 LEWIS, JARVIS V. UNITED STATES  
16-9127 LASHER, LENA V. UNITED STATES  
16-9129 KAHRE, ROBERT D. V. UNITED STATES  
16-9135 JENKINS, THOMAS B. V. UNITED STATES  
16-9136 WALLER, ANTHONY M. V. COLORADO  
16-9137 TAYLOR, KEYON A. V. UNITED STATES  
16-9142 HOFFMAN, KEVIN A. V. UNITED STATES  
16-9143 FELIPE-DIEGO, PABLO V. UNITED STATES  
16-9161 BUCZEK, SHANE C. V. UNITED STATES

The petitions for writs of certiorari are denied.

16-810 NACCHIO, JOSEPH P., ET AL. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan and Justice Gorsuch took no part in the consideration or decision of this petition.

16-853 JOHNSON, MABLE V. FORD MOTOR CO., ET AL.

The petition for a writ of certiorari is denied. The Chief Justice and Justice Alito took no part in the consideration or decision of this petition.

16-950 JACOBS FIELD SERVICES V. HUGLER, ACTING SEC. OF LABOR

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

16-1216 DALY, JOHN V. UNITED STATES, ET AL.

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

16-1280 TANNER SERVICES, LLC V. GUIDRY, ERNEST, ET UX.

The motion of Stallion Oilfield Construction, LLC, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

16-8948 GRIGSBY, PHILIP A. V. MARTEN, JUDGE, USDC KS, ET AL.

The petition for a writ of certiorari is denied. Justice Gorsuch took no part in the consideration or decision of this petition.

16-9106 RAMIREZ, FERNEY D. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

16-9107 MORROW, NANCY V. BRENNAN, POSTMASTER GEN.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

16-9113 DERROW, MICHAEL J. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

#### **HABEAS CORPUS DENIED**

16-9150 IN RE GARVESTER BRACKEN

16-9189 IN RE WILLIAM CONE

16-9226 IN RE MELVIN MANNING

16-9238 IN RE LONNIE L. LASSINGER

16-9239 IN RE BALTAZAR LOPEZ

The petitions for writs of habeas corpus are denied.

16-9256 IN RE JACK DOWELL

The petition for a writ of habeas corpus is denied. Justice Gorsuch took no part in the consideration or decision of this petition.

**REHEARINGS DENIED**

16-7414 DAKER, WASEEM V. BRYSON, COMM'R, GA DOC, ET AL.

16-7418 TAYLOR, VERSIAH M. V. UNITED STATES

16-7580 WHITE, BRENDA R. V. EDS CARE MANAGEMENT LLC, ET AL.

16-7593 WHITE, JOSEPH, ET UX. V. ATTORNEY GRIEVANCE COMMISSION

16-7709 DAMJANOVIC, ROBERT V. CALIFORNIA

16-7713 PENDER, JUVONDI V. MORRIS DUFFY ALONSO & FALEY

16-7765 SMITH, PHILLIP D. V. DAVIS, DIR. TX DCJ

16-7783 HILL, ROLAND, ET UX. V. DITECH FINANCIAL, LLC, ET AL.

16-7880 RAMIREZ, CARLOS V. BAUSCH & LOMB, INC.

16-7901 BENFORD, BERNARD S. V. CALIFORNIA

16-7957 CELESTINE, EDWARD P. V. BERRYHILL, ACTING COMM'R, SSA

16-7960 IN RE ROBERT MARIE, ET UX.

16-8107 SHEPPARD, OSBORNE V. MEDEIROS, SUPT., NORFOLK

16-8145 COWAN, DONALD R. V. OKLAHOMA

16-8168 MUNOZ, FRANCISCO O. V. UNITED STATES

16-8252 CONROY, JOHN A. V. WALTON, WARDEN

16-8253 CONRAD, WILLIAM D. V. UNITED STATES

16-8314 IN RE ROBERT E. CLAYBORNE, JR.

The petitions for rehearing are denied.

**ATTORNEY DISCIPLINE**

D-2977 IN THE MATTER OF DISCIPLINE OF THOMAS ANDREW CLARK

Thomas Andrew Clark, of Perth Amboy, New Jersey, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2978 IN THE MATTER OF DISCIPLINE OF ALLAN CHRISTOPHER SMITH

Allan Christopher Smith, of Morrisville, Pennsylvania, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2979 IN THE MATTER OF DISCIPLINE OF KATHY DIANNE BAILEY

Kathy Dianne Bailey, of Alexandria, Virginia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

D-2980 IN THE MATTER OF DISCIPLINE OF RONALD TYSON FERRELL

Ronald Tyson Ferrell, of Wilkesboro, North Carolina, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2981 IN THE MATTER OF DISCIPLINE OF ELBERT A. WALTON, JR.

Elbert A. Walton, Jr., of St. Louis, Missouri, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he



should not be disbarred from the practice of law in this Court.

D-2982 IN THE MATTER OF DISCIPLINE OF GREGORY XAVIER HESTERBERG

Gregory Xavier Hesterberg, of Garden City, New York, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2983 IN THE MATTER OF DISCIPLINE OF DAVID RAYMOND WROBLEWSKI

David Raymond Wroblewski, of Mesa, Arizona, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2984 IN THE MATTER OF DISCIPLINE OF MICHAEL THORNSBURY

Michael Thornsbery, of Lexington, Kentucky, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2985 IN THE MATTER OF DISCIPLINE OF TIMOTHY MICHAEL LONGMEYER

Timothy Michael Longmeyer, of Louisville, Kentucky, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2986 IN THE MATTER OF DISCIPLINE OF NEIL KUCHINSKY

Neil Kuchinsky, of Colonial Heights, Virginia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause

why he should not be disbarred from the practice of law in this Court.

D-2987 IN THE MATTER OF DISCIPLINE OF THOMAS F. BELLO

Thomas F. Bello, of Staten Island, New York, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2988 IN THE MATTER OF DISCIPLINE OF CHARLES GRANT BYRD, JR.

Charles Grant Byrd, Jr., of Baltimore, Maryland, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2989 IN THE MATTER OF DISCIPLINE OF ELDON L. BOISSEAU

Eldon L. Boisseau, of Wichita, Kansas, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

Per Curiam

**SUPREME COURT OF THE UNITED STATES**VIRGINIA, ET AL. *v.* DENNIS LEBLANCON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 16–1177. Decided June 12, 2017

PER CURIAM.

Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), a state prisoner is eligible for federal habeas relief if the underlying state court merits ruling was “contrary to, or involved an unreasonable application of, clearly established Federal law” as determined by this Court. 28 U. S. C. §2254(d)(1). In this case, the Court of Appeals for the Fourth Circuit held that this demanding standard was met by a Virginia court’s application of *Graham v. Florida*, 560 U. S. 48 (2010). The question presented is whether the Court of Appeals erred in concluding that the state court’s ruling involved an unreasonable application of this Court’s holding.

## I

On July 6, 1999, respondent Dennis LeBlanc raped a 62-year-old woman. He was 16 at the time. In 2003, a state trial court sentenced him to life in prison for his crimes. In the 1990’s, Virginia had, for felony offenders, abolished parole that followed a traditional framework. See Va. Code Ann. §53.1–165.1 (2013). As a form of replacement, Virginia enacted its so-called “geriatric release” program, which allows older inmates to receive conditional release under some circumstances. *LeBlanc v. Mathena*, 841 F. 3d 256, 261 (CA4 2016) (citing Va. Code Ann. §53.1–40.01).

Seven years after respondent was sentenced, this Court decided *Graham v. Florida*. *Graham* established that the Eighth Amendment prohibits juvenile offenders convicted of nonhomicide offenses from being sentenced to life with-

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out parole. While a “State is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide crime,” the Court held, it must “give defendants like Graham some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” 540 U. S., at 75. The Court in *Graham* left it to the States, “in the first instance, to explore the means and mechanisms for compliance” with the *Graham* rule. *Ibid.*

Respondent later filed a motion in state trial court—the Virginia Beach Circuit Court—seeking to vacate his sentence in light of *Graham*. The trial court denied the motion. In so doing, it relied on the Supreme Court of Virginia’s decision in *Angel v. Commonwealth*, 281 Va. 248, 704 S. E. 2d 386 (2011). The *Angel* court held that Virginia’s geriatric release program satisfies *Graham*’s requirement of parole for juvenile offenders. The statute establishing the program provides:

“Any person serving a sentence imposed upon a conviction for a felony offense . . . (i) who has reached the age of sixty-five or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release.” §53.1–40.01.

The *Angel* court explained that “[t]he regulations for conditional release under this statute provide that if the prisoner meets the qualifications for consideration contained in the statute, the factors used in the normal parole consideration process apply to conditional release decisions under this statute.” 281 Va., at 275, 704 S. E. 2d, at 402. The geriatric release program thus complied with *Graham*, the *Angel* court held, because it provided “the meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation required by the Eighth

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Amendment.” 281 Va., at 275, 704 S. E. 2d, at 402 (internal quotation marks omitted).

The Virginia Supreme Court, in reviewing the trial court’s ruling in the instant case, summarily denied respondent’s requests for appeal and for rehearing.

In 2012, respondent filed a federal habeas petition in the Eastern District of Virginia pursuant to 28 U. S. C. §2254. A Magistrate Judge recommended dismissing the petition, but the District Court disagreed and granted the writ. The District Court explained that “there is no possibility that fairminded jurists could disagree that the state court’s decision conflicts wit[h] the dictates of *Graham*.” *LeBlanc v. Mathena*, 2015 WL 4042175, \*18 (July 1, 2015).

A divided panel of the Court of Appeals for the Fourth Circuit affirmed, holding that the state trial court’s ruling was an unreasonable application of *Graham*. 841 F. 3d, at 259–260. In the panel majority’s view, Virginia’s geriatric release program did not provide a meaningful opportunity for juvenile nonhomicide offenders to obtain release based on demonstrated maturity and rehabilitation.

Judge Niemeyer dissented. He criticized the majority for “fail[ing] to respect, in any meaningful way, the deference Congress requires federal courts to give state court decisions on postconviction review.” *Id.*, at 275.

The Commonwealth of Virginia petitioned for certiorari. The petition is now granted, and the judgment is reversed: The Virginia trial court did not unreasonably apply the *Graham* rule.

## II

In order for a state court’s decision to be an unreasonable application of this Court’s case law, the ruling must be “objectively unreasonable, not merely wrong; even clear error will not suffice.” *Woods v. Donald*, 575 U. S. \_\_\_\_, \_\_\_\_ (2015) (*per curiam*) (slip op., at 4) (internal quotation marks omitted). In other words, a litigant must “show

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that the state court’s ruling . . . was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fair-minded disagreement.” *Ibid.* (internal quotation marks omitted). This is “meant to be” a difficult standard to meet. *Harrington v. Richter*, 562 U. S. 86, 102 (2011).

The Court of Appeals for the Fourth Circuit erred by failing to accord the state court’s decision the deference owed under AEDPA. *Graham* did not decide that a geriatric release program like Virginia’s failed to satisfy the Eighth Amendment because that question was not presented. And it was not objectively unreasonable for the state court to conclude that, because the geriatric release program employed normal parole factors, it satisfied *Graham*’s requirement that juveniles convicted of a non-homicide crime have a meaningful opportunity to receive parole. The geriatric release program instructs Virginia’s Parole Board to consider factors like the “individual’s history . . . and the individual’s conduct . . . during incarceration,” as well as the prisoner’s “inter-personal relationships with staff and inmates” and “[c]hanges in attitude toward self and others.” See 841 F. 3d, at 280–281 (Niemeyer, J., dissenting) (citing Virginia Parole Board Policy Manual 2–4 (Oct. 2006)). Consideration of these factors could allow the Parole Board to order a former juvenile offender’s conditional release in light of his or her “demonstrated maturity and rehabilitation.” *Graham*, 560 U. S., at 75. The state court thus did not diverge so far from *Graham*’s dictates as to make it “so obvious that . . . there could be no ‘fairminded disagreement’” about whether the state court’s ruling conflicts with this Court’s case law. *White v. Woodall*, 572 U. S. \_\_\_, \_\_\_ (2014) (slip op., at 11).

“Perhaps the logical next step from” *Graham* would be to hold that a geriatric release program does not satisfy the Eighth Amendment, but “perhaps not.” 572 U. S., at

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\_\_\_\_ (slip op., at 11). “[T]here are reasonable arguments on both sides.” *Id.*, at \_\_\_\_–\_\_\_\_ (slip op., at 11–12). With respect to petitioners, these include the arguments discussed above. *Supra*, at 4. With regards to respondent, these include the contentions that the Parole Board’s substantial discretion to deny geriatric release deprives juvenile nonhomicide offenders a meaningful opportunity to seek parole and that juveniles cannot seek geriatric release until they have spent at least four decades in prison.

These arguments cannot be resolved on federal habeas review. Because this case arises “only in th[at] narrow context,” the Court “express[es] no view on the merits of the underlying” Eighth Amendment claim. *Woods, supra*, at \_\_\_\_ (slip op., at 7) (internal quotation marks omitted). Nor does the Court “suggest or imply that the underlying issue, if presented on direct review, would be insubstantial.” *Marshall v. Rodgers*, 569 U. S. \_\_\_\_, \_\_\_\_ (2013) (*per curiam*) (slip op., at 7); accord, *Woodall, supra*, at \_\_\_\_ (slip op., at 5). The Court today holds only that the Virginia trial court’s ruling, resting on the Virginia Supreme Court’s earlier ruling in *Angel*, was not objectively unreasonable in light of this Court’s current case law.

### III

A proper respect for AEDPA’s high bar for habeas relief avoids unnecessarily “disturb[ing] the State’s significant interest in repose for concluded litigation, den[y]ing society the right to punish some admitted offenders, and intrud[ing] on state sovereignty to a degree matched by few exercises of federal judicial authority.” *Harrington, supra*, at 103 (internal quotation marks omitted). The federalism interest implicated in AEDPA cases is of central relevance in this case, for the Court of Appeals for the Fourth Circuit’s holding created the potential for significant discord in the Virginia sentencing process. Before today, Virginia

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courts were permitted to impose—and required to affirm—a sentence like respondent’s, while federal courts presented with the same fact pattern were required to grant habeas relief. Reversing the Court of Appeals’ decision in this case—rather than waiting until a more substantial split of authority develops—spares Virginia courts from having to confront this legal quagmire.

For these reasons, the petition for certiorari and the motion for leave to proceed *in forma pauperis* are granted, and the judgment of the Court of Appeals is reversed.

*It is so ordered.*



GINSBURG, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

VIRGINIA, ET AL. *v.* DENNIS LEBLANC

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 16–1177. Decided June 12, 2017

JUSTICE GINSBURG, concurring in the judgment.

*Graham v. Florida*, 560 U. S. 48 (2010), as today’s *per curiam* recognizes, established that a juvenile offender convicted of a nonhomicide offense must have “some meaningful opportunity to obtain release [from prison] based on demonstrated maturity and rehabilitation.” *Id.*, at 75. See *ante*, at 2. I join the Court’s judgment on the understanding that the Virginia Supreme Court, in *Angel v. Commonwealth*, 281 Va. 248, 704 S. E. 2d 386 (2011), interpreted Virginia law to require the parole board to provide such a meaningful opportunity under the geriatric release program. See *id.*, at 275, 704 S. E. 2d, at 402 (“the factors used in the normal parole consideration process apply to conditional release decisions under this statute”). In other words, contrary to the Fourth Circuit’s interpretation of Virginia law, the parole board may not deny a juvenile offender geriatric release “for *any* reason whatsoever,” 841 F. 3d 256, 269 (2016) (emphasis in original); instead, the board, when evaluating a juvenile offender for geriatric release, must consider the normal parole factors, including rehabilitation and maturity. See *ante*, at 4.